

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In re:

Luis Alberto Sierra Chavez
Megan Rose Sierra

Debtors

Case No. 20-10286-KHK
Chapter 13

DEBTORS' RESPONSE TO TRUSTEE'S MOTION TO DISMISS

COME NOW the Debtors, Luis Alberto Sierra Chavez and Megan Rose Sierra, by counsel, and for their response to the Trustee's Motion to Dismiss, they state the following:

1. The Debtors commenced this Chapter 13 case with the filing of a voluntary petition on January 29, 2020.
2. This Court has Jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157 and 1334 and 11 U.S.C. § 1307, as this matter is a core proceeding.
3. On April 16, 2020, the Debtors filed their Amended Chapter 13 plan, which is currently scheduled for confirmation on June 1, 2020.
4. On May 8, 2020, the Trustee filed a Motion to Dismiss the case for unreasonable delay, alleging that the "Debtors do not appear to be proceeding toward confirmation."
5. In response, the Debtors assert that they are, in fact, proceeding toward confirmation. They filed one previous plan which was denied confirmation, and they addressed the issues raised in the objections to that plan when they filed their currently pending amended plan on April 16, 2020 and their Motion to Approve Loan Modification Agreement on May 11, 2020. New and unforeseen objections have been raised in response to the amended plan, but the Debtors will address those issues in a reasonably timely fashion with the filing of a second amended plan.

WHEREFORE, the Debtors pray that this Honorable Court deny the Trustee's Motion to Dismiss and grant such further and other relief as is deemed just and proper.

DATED: May 22, 2020

LUIS ALBERTO SIERRA CHAVEZ
MEGAN ROSE SIERRA
By Counsel

NEW DAY LEGAL, PLLC

/s/ Scott W. Carpenter

Scott W. Carpenter, Esquire, VSB # 89057

Suad Bektic, Esquire, VSB # 90012

John C. Morgan, Esquire, VSB # 30148

98 Alexandria Pike, Ste. 10

Warrenton, VA 20186

Tel: (540) 349-3232

Fax: (888) 612-0943

scott@newdaylegal.com

Counsel for Debtors

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2020, a true copy of the foregoing Response to Trustee's Motion to Dismiss was mailed to or electronically served via electronic case filing to all creditors and parties in interest at their respective addresses as listed on the mailing matrix maintained by the clerk of the court.

/s/ Scott W. Carpenter

Scott W. Carpenter